

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Wassim Abedrabbo	Team: Squad #12	CCRB Case #: 201509645	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 11/05/2015 10:15 PM	Location of Incident: § 87(2)(b) 88th Precinct stationhouse	Precinct: 88	18 Mo. SOL 5/5/2017	EO SOL 5/5/2017	
Date/Time CV Reported Fri, 11/06/2015 1:24 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 11/13/2015 1:26 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Robert Obrien	18045	944854	PSA 3
2. An officer			PSA 3
3. DTS Wilson Verdesoto	29685	937685	PSA 3
4. POM Alfonzo Larue	20317	945903	PSA 3
5. DT3 Kenneth Juart	04244	928567	088 DET

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Christopher Dipreta	04993	944512	PSA 3
2. POM Andy Cruz	28171	934316	PSA 3

Officer(s)	Allegation	Investigator Recommendation
A.POM Alfonzo Larue	Discourtesy: At § 87(2)(b) in Brooklyn, Police Officer Alfonzo Larue spoke discourteously to § 87(2)(b)	§ 87(2)(b)
B.POM Robert Obrien	Abuse: Police Officer Robert Obrien entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
C. An officer	Force: At § 87(2)(b) in Brooklyn, an officer used pepper spray against § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
D. An officer	Force: At § 87(2)(b) in Brooklyn, an officer pointed his gun at § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
E.POM Alfonzo Larue	Force: At § 87(2)(b) in Brooklyn, Police Officer Alfonzo Larue used physical force against § 87(2)(b)	§ 87(2)(b)
F.DTS Wilson Verdesoto	Discourtesy: At § 87(2)(b) in Brooklyn, Detective Wilson Verdesoto spoke discourteously to § 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
G.DTS Wilson Verdesoto	Abuse: Detective Wilson Verdesoto searched § 87(2)(b) in Brooklyn.	
H.DTS Wilson Verdesoto	Abuse: At § 87(2)(b) in Brooklyn, Detective Wilson Verdesoto threatened to damage § 87(2)(b)'s property.	
I.DT3 Kenneth Juart	Discourtesy: At the 88th Precinct stationhouse, Detective Kenneth Juart spoke discourteously to § 87(2)(b)	

Case Summary

On November 6, 2015, § 87(2)(b) filed this complaint with IAB on behalf of himself and § 87(2)(b). On November 13, 2015, this complaint was received at the CCRB from IAB.

On November 5, 2015, at approximately 9:00 p.m., § 87(2)(b) was conversing with his friend § 87(2)(b) and an unidentified female on the § 87(2)(b) floor of § 87(2)(b) in Brooklyn. Approximately 15 minutes into their conversation, § 87(2)(b) saw an individual step out of the elevator. § 87(2)(b) and the unidentified female fled into § 87(2)(b), after which § 87(2)(b) followed suit. After § 87(2)(b) closed the door, the door was kicked open. § 87(2)(b) and § 87(2)(b) held the door shut while the officers were pushing the door in an attempt to gain entry. The officers announced that they were detectives, but because § 87(2)(b) and § 87(2)(b) did not feel safe they continued to hold the door shut. An officer stuck an asp into the door and simultaneously PO Alfonzo Larue stated, “I’m gonna get this fucking door opened,” and “Open the fucking door, we’re gonna get this fucking door open” (**Allegation A**). While the asp was in the doorway, PO Robert O’Brien stuck his arm in between the door and the door frame (**Allegation B**). PO O’Brien then took his arm out and stuck his leg in the opening. An officer sprayed OC spray into the crack of the door (**Allegation C**). After shielding his face from the spray, § 87(2)(b) saw an officer wave a gun through the opening in the doorway (**Allegation D**).

Once § 87(2)(b) saw the gun, he expressed to § 87(2)(b) that he was going to let go of the door. § 87(2)(b) threw a bag of marijuana under a chair in the living room, then let go of the door and dropped to the ground. At this point, twenty minutes after § 87(2)(b) the unidentified female, and § 87(2)(b) fled into the apartment, PO O’Brien, PO Larue, Det. Wilson Verdesoto, Sgt. Christopher DiPreta, and PO Andy Cruz entered § 87(2)(b) in Brooklyn.

After § 87(2)(b) was apprehended, PO Larue struck § 87(2)(b) four times in the back of his ribs on his left side with an asp (**Allegation E**). § 87(2)(b) screamed in pain, to which Det. Verdesoto responded, “We don’t give a fuck” (**Allegation F**). After recovering the marijuana from underneath the chair, Det. Verdesoto lifted § 87(2)(b) up by his shirt and held him against the wall.

§ 87(2)(b) and § 87(2)(b) were then escorted into the § 87(2)(b) floor hallway. Det. Verdesoto began searching and taking things out of closets in the apartment (**Allegation G**). While doing so, Det. Verdesoto stated, “I’m gonna break everything, I’m gonna break this whole motherfucking house down... ..fuck that, I’m gonna search through everything” (**Allegation H**). Det. Verdesoto searched a storage room in the back of the apartment and recovered a defective Taser and a defective imitation pistol (**Allegation G continued**). Det. Verdesoto stated that if they did not tell him where the “fuck” the rest of the marijuana was (**Allegation F continued**), “[He is] gonna bring the fucking dogs in here. Your grandmother will be out of the fucking projects” (**Allegation H continued**).

§ 87(2)(b) and § 87(2)(b) were then transported to the 88th Precinct stationhouse.

While at the stationhouse, § 87(2)(b) was sitting on a bench outside of the interrogation room, when Det. Kenneth Juart passed him and stopped to speak with him. § 87(2)(b) and Det. Juart knew each other from a previous incident. Det. Juart told § 87(2)(b) he wanted to know how he got off of a previous robbery charge. After § 87(2)(b) answered Det. Juart, Det. Juart said, “I feel like you’re bullshitting me, that’s bullshit” (**Allegation I**). Det. Juart then took § 87(2)(b) into the interrogation room.

After, § 87(2)(b) and § 87(2)(b) were taken to the PSA 3 stationhouse. § 87(2)(b) , , expressed that his ribs were in pain and he was taken to a hospital. There is no video evidence pertaining to this incident. § 87(2)(b) and § 87(2)(b) were arrested on multiple counts, the top count being assault on a police officer.

§ 87(2)(g)

This case passed the 90-day bench mark due to delays in identifying officers and the case being reassigned twice.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation due to the arrests of § 87(2)(b) and § 87(2)(b)
- § 87(2)(b), § 87(2)(c)
- As of April 1, 2016, § 87(2)(b) has not filed a Notice of Claim with the City of New York in regard to this incident (Board Review 02).

Civilian and Officer CCRB Histories

- This is the second CCRB complaint filed by § 87(2)(b) § 87(2)(g) In CCRB case number § 87(2)(b) § 87(2)(b) alleged that he was struck 15 to 20 times in his head and lower back; however, § 87(2)(b)'s medical records contradicted the degree of force he alleged.
- This is the first CCRB complaint filed by § 87(2)(b) (Board Review 16).
- This is the 14th CCRB complaint filed against Det. Verdesoto, who has a total of 24 allegations in his CCRB history and has been a member of service for 11 years (see officer history). Of the allegations that were fully investigated, five were unsubstantiated and five were exonerated. § 87(2)(g)
- This is the second CCRB complaint filed against PO O'Brien, who has a total of two allegations in his CCRB history and who has been a member of service for eight years (see officer history). Both prior allegations were fully investigated, and exonerated. § 87(2)(g)
- This is the seventh CCRB complaint filed against PO Larue, who has a total of eight allegations in his CCRB history and has been a member of service for eight years (see officer history). Of the two prior allegations that were fully investigated, one was unfounded and one was unsubstantiated. Two allegations of force against PO Larue were closed as victim uncooperative and complaint withdrawal.
- This is the eighth CCRB complaint filed against Det. Juart, who has a total of 24 allegations in his CCRB history and has been a member of service for 14 years (see officer history). In CCRB case number 200511416 allegations of a vehicle search, a

threat of arrest, a refusal to provide name and shield, seizure of property, frisk, and a search were substantiated. Of the other allegations fully investigated, three were exonerated, five were unsubstantiated, and five were unfounded. § 87(2)(g)

Findings and Recommendations

Explanation of Subject Officer Identification

- § 87(2)(b) identified the officer who spoke discourteously, threatened to damage his property, and searched the apartment as the officer who recovered the bag of marijuana. Det. Verdesoto acknowledged being the officer to recover the marijuana after it was thrown by § 87(2)(b). Det. Verdesoto also fit the description of this officer given by § 87(2)(b) § 87(2)(g).
- § 87(2)(b) alleged that the officer who spoke discourteously through the door as the officer whom he saw and heard clearly when he hit him with an asp. PO Larue fit the description of the officer who hit § 87(2)(b) with an asp as the sole black male officer involved in the incident. § 87(2)(g)
- § 87(2)(b) alleged that during the struggle at the door, an officer emitted OC Spray and waived a gun through the crack of the door. § 87(2)(b) did not see the hand or get any other descriptive traits of the officer. Sgt. DiPreta, Det. Verdesoto, PO O'Brien, PO Larue, and PO Cruz denied committing the alleged actions and denied seeing any other officers perform those actions. § 87(2)(g)

Allegations not pled

- **Abuse:** An entry allegation is not being pled against Det. Verdesoto, Sgt. DiPreta, PO Larue, and PO Cruz § 87(2)(g)

Allegation A -Discourtesy: At § 87(2)(b) in Brooklyn, Police Officer Alfonso Larue spoke discourteously to § 87(2)(b)

It is undisputed that § 87(2)(b) and § 87(2)(b) engaged in a struggle at the door of § 87(2)(b), with Sgt. DiPreta, Det. Verdesoto, PO Larue, PO O'Brien, and PO Cruz.

§ 87(2)(b) alleged that while the officers were trying to gain entry into the apartment, PO Larue denied stating, "I'm gonna get this fucking door opened" or "Open the fucking door, we're gonna get this fucking door open" (Board Review 05). He denied hearing any other officer make that statement.

PO Larue acknowledged commanding § 87(2)(b) and § 87(2)(b) to open the door, but he denied saying, "I'm gonna get this fucking door opened" and "Open the fucking door, we're gonna get this fucking door open," or hearing any other officer make those statements (Board Review 06).

Det. Verdesoto, Sgt. DiPreta, PO O'Brien, and PO Cruz gave consistent statements of the verbal commands made, while all stating that they did not make, hear PO Larue, or hear any other

officer make the alleged statements (Board Review 07) (Board Review 08) (Board Review 09) (Board Review 10).

§ 87(2)(g)

Allegation B – Abuse of Authority: Police Officer Robert Obrien entered § 87(2)(b) in Brooklyn.

It is undisputed that § 87(2)(b) and the unidentified female were smoking marijuana in the § 87(2)(b) floor hallway of § 87(2)(b) in Brooklyn. It is undisputed that after § 87(2)(b) and the unidentified female fled into § 87(2)(b)'s apartment, PO O'Brien pursued them and crossed the threshold of the door by inserting his arm between the door and door frame. It is also undisputed that at the time PO O'Brien pursued them into the apartment, he suspected § 87(2)(b) solely of having a lit marijuana cigarette, an offense that is a misdemeanor. It is undisputed that PO O'Brien's arm was wedged in the door and § 87(2)(b) closed the door on it.

§ 87(2)(b) stated that the imitation pistol and the Taser were recovered as a result of a search of the apartment, after the officers' entry into the home (see allegation G).

PO O'Brien stated during his CCRB interview that as he pursued the individuals he intended to place them under arrest solely for criminal possession of marijuana. PO O'Brien was not aware that Det. Verdesoto found a black bag with a defective Taser and imitation pistol prior to entering the apartment.

Det. Verdesoto stated that while he was in pursuit of § 87(2)(b) and § 87(2)(b) he retrieved a black bag allegedly thrown onto the ground by § 87(2)(b). Det. Verdesoto did not look at the contents of the bag until after entering § 87(2)(b) in Brooklyn.

Sgt. Dipreta stated that after the officers entered the apartment, he was informed by Det. Verdesoto that one of the two individuals threw a black bag onto the ground while fleeing. Prior to entering the apartment, no officer knew the contents of the black bag.

People v Cruz In order to forego a search warrant under the "hot pursuit" doctrine, the police pursuit must be based on suspicion that a felony was or is being committed (Board Review 11). When a suspected crime is only a violation or a misdemeanor, the "hot pursuit" search warrant exception does not apply.

§ 87(2)(g)

Allegation C – Force: At § 87(2)(b) in Brooklyn, an officer used pepper spray against § 87(2)(b) and § 87(2)(b)

Allegation D – Force: At § 87(2)(b) in Brooklyn, an officer pointed his gun at § 87(2)(b) and § 87(2)(b)

As discussed above (see subject officer identification), the investigation was unable to identify the officer who allegedly used pepper spray against or pointed his gun at § 87(2)(b).

§ 87(2)(b) § 87(2)(g)

Allegation E– Force: At § 87(2)(b) in Brooklyn, Police Officer Alfonzo Larue used physical force against Tyquan § 87(2)(b)

It is undisputed that § 87(2)(b) was taken to § 87(2)(b) upon his arrival at the PSA 3 stationhouse.

§ 87(2)(b) stated that approximately two to three minutes after the officers entered the apartment, PO Larue struck him four times in the back left section of his ribs. The pain and injuries caused § 87(2)(b) to defecate, and left him unable to support himself physically. Det. Verdesoto held § 87(2)(b) upright and § 87(2)(b) continued to fall forward because of his inability to support himself.

PO Larue stated that he did not enter the apartment past the threshold, he did not physically interact with § 87(2)(b) and he did not strike § 87(2)(b) with an asp.

Det. Verdesoto stated that he did not see any officer hit § 87(2)(b) with an asp in the ribs, nor did he hear § 87(2)(b) complain of being hit. He also stated that he did not hold § 87(2)(b) up right. He did not observe any injuries on § 87(2)(b).

Sgt. DiPreta did not see any officer hit § 87(2)(b) with an asp. § 87(2)(b) was able to support himself, and he did not claim that his rib were in pain until they arrived at the PSA 3 stationhouse.

PO Cruz did not see any officer hit § 87(2)(b) with an asp, and he did not do that himself.

Det. Juart, who was not present at the incident location, stated that when he interviewed § 87(2)(b) at the 88th Precinct stationhouse, § 87(2)(b) was in good health (Board Review 12). He did not hear § 87(2)(b) express that he was in pain or that he needed medical attention.

On November 6, 2015, § 87(2)(b) was treated by § 87(2)(b). § 87(2)(b) was diagnosed with costochondritis; an inflammation of the cartilage that connects the ribs and the breast bone (Board Review 13). The medical records explained that the cause of costochondritis is related to overuse, which is often because of lifting or straining the chest wall muscle. The medical records state that sometimes the condition cannot be traced to any specific injury and the cause is unknown. The medical records also explain that costochondritis is also sometimes believed to be a viral infection.

Results of an x-ray, done on November 7, 2016 at the § 87(2)(b), show that § 87(2)(b)'s cardiomedastinal and hilar silhouettes did not appear abnormal (Board Review 14). There is no mention of blunt force, contusions, or any other injuries or problems with his ribs.

§ 87(2)(g)

Allegation F – Discourtesy: At § 87(2)(b) in Brooklyn, Detective Wilson Verdesoto spoke discourteously to § 87(2)(b)

Allegation H – Abuse of Authority: At § 87(2)(b) in Brooklyn, Detective Wilson Verdesoto threatened to damage § 87(2)(b) s property.

§ 87(2)(b) alleged that after he was hit with a baton in the ribs four times, he began to scream in pain. As a response to his screaming, Det. Verdesoto responded, “We don’t give a fuck.” He also alleged that as Det. Verdesoto was searching § 87(2)(b), Det. Verdesoto made the following statements, “I’m gonna break everything, I’m gonna break this whole motherfucking house down... I’m gonna bring the fucking dogs in here... Your grandmother will be out of the fucking projects.”

Det. Verdesoto denied hearing § 87(2)(b) scream regarding pain in his ribs, and he denied that he said, “We don’t give a fuck” or “I’m gonna break everything, I’m gonna break this whole motherfucking house down... I’m gonna bring the fucking dogs in here... Your grandmother will be out of the fucking projects.” Sgt. DiPreta, PO Larue, and PO Cruz denied hearing § 87(2)(b) scream in pain, and stated that they did not hear Det. Verdesoto make the alleged statements, or use profanity at any point during the incident. .

§ 87(2)(g)

Allegation G – Abuse of Authority: Detective Wilson Verdesoto searched § 87(2)(b) in Brooklyn.

§ 87(2)(b) alleged that he witnessed Det. Verdesoto knocking over lamps, chairs, and tables and opening closets and removing items from them. Det. Verdesoto also went into a back storage room located in the apartment, and when he exited he had a defective Taser and defective BB gun. § 87(2)(b) stated that the Taser and BB gun were never on his person on that date.

Det. Verdesoto stated that as § 87(2)(b) was initially fleeing, he threw a plastic bag onto the ground. Det. Verdesoto stopped to pick the bag up, which was unusually heavy, but he did not look into the bag until he entered the apartment. Upon looking in the bag, he saw a Taser and what he assumed was a real gun. Det. Verdesoto claimed that after entering the apartment and securing § 87(2)(b) and § 87(2)(b) he looked in each room of the apartment and behind the door of each room to ensure no one was hiding and that the officers were safe. He stated that the doors to the rooms were already open. Det. Verdesoto denied opening any drawers or looking anywhere else.

None of the officers present at the scene acknowledged seeing or knowing of a storage room in the apartment. No other officer saw § 87(2)(b) throw the black bag onto the floor. None of the officers acknowledged searching or seeing any other officer search the apartment.

§ 87(2)(g)

Allegation I – At the 88th Precinct stationhouse, Detective Kenneth Juart spoke discourteously to § 87(2)(b)

It is undisputed that Det. Juart had conversation with § 87(2)(b) in the 88th Precinct detective unit, while § 87(2)(b) was sitting on a bench, before they entered the interrogation

room. It is also undisputed that § 87(2)(b) and Det. Juart were acquainted with each other because of past investigations.

§ 87(2)(b) stated that when Det. Juart approached him while he was sitting on the bench, he began to discuss a prior case § 87(2)(b) was involved in. Det. Juart then asked § 87(2)(b) how he got off of the robbery charge, and after § 87(2)(b) answered, Det. Juart stated, “I feel like you’re bullshitting me, that’s bullshit.”

Det. Juart stated that the only conversation he had with § 87(2)(b) outside of the interrogation room was obtaining his pedigree information. Although he knew § 87(2)(b) from a previous case, he did not recall when it was and what the circumstances were. He did not speak with § 87(2)(b) about any previous case in that setting. He did not say “I feel like you’re bullshitting me, that’s bullshit.”

Det. Verdesoto was standing with § 87(2)(b) when Det. Juart spoke to him. Det. Verdesoto did not hear any officer have a conversation about a previous case with § 87(2)(b) at the 88th Precinct stationhouse, nor did he hear any officer use any profanity, including the alleged statement.

§ 87(2)(g)

Squad: 12

Investigator:	_____	_____	_____
	Signature	Print	Date
Pod Leader:	_____	_____	_____
	Title/Signature	Print	Date
Attorney:	_____	_____	_____
	Title/Signature	Print	Date